

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7156

Petition of UPC Vermont Wind, LLC, for a Certificate of )  
Public Good, pursuant to 30 V.S.A. § 248, authorizing the )  
construction and operation of a 52 MW wind electric )  
generation facility, consisting of 26 wind turbines, and )  
associated transmission and interconnection facilities, in )  
Sheffield and Sutton, Vermont )

Order entered: 11/17/2006

**ORDER RE MOTION TO INTERVENE OF BARTON VILLAGE**

On November 13, 2006, Barton Village, Inc., ("Barton") filed a motion to intervene with the Public Service Board ("Board"). Barton's request states that the changes to the proposed project now have the potential to negatively impact Barton. In particular, Barton's request expresses concern that UPC Vermont Wind, LLC's ("UPC") revised proposal for access to the project sites via Barton roads and streets has the potential to damage "village roads and streets, low-hanging utility lines, and related water and sewer infrastructure."

On October 30, 2006, the Vermont Department of Public Service ("Department") filed a letter stating that it does not object to "a permissive grant of intervention for the Village for the interests described in its request."<sup>1</sup> The Department contends that, although the intervention request was filed after the deadline for intervention, Barton's interests appear to result from changes to the proposed project, and therefore, Barton's request should be considered timely. Finally, the Department states that Barton should take the proceedings as it finds it, including any scheduling decisions made prior to the grant of party status.

We grant Barton permissive intervention pursuant to Board Rule 2.209(B). We recognize that the intervention request was received well after the deadline established in the Board's scheduling order of April 13, 2006. However, the interests expressed in Barton's motion appear

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1. The Department indicated that it had received a copy of Barton's motion on October 23, 2006.

to be based upon potential impacts that are newly presented due to UPC's changes to the proposed project.

We note that Barton was one of the towns that had originally received notice of the proposed project, and had received a copy of the Board's April 13 scheduling order establishing the deadline for intervention. For these reasons, we will not allow Barton to litigate all issues presented in this case, but instead limit Barton's intervention to those interests expressed in its motion to intervene; namely whether the proposed project would cause unreasonable congestion or unsafe conditions with respect to roadways and whether the proposed project would cause an unreasonable burden on the ability of Barton to provide municipal or governmental services. These issues arose as a result of UPC's changes to the proposed project. In addition, Barton must take the schedule as it finds it.

SO ORDERED.

Dated at Montpelier, Vermont, this 17<sup>th</sup> day of November, 2006.

<u>s/James Volz</u>	)	
	)	
	)	PUBLIC SERVICE
<u>s/David C. Coen</u>	)	
	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: November 17, 2006

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*